Docket No. HRT-278

SP 2 1 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Spricants: Andrew H. Hancock

Serial No.: 09/976,216

Art Unit: 3732

Filed

: October 12, 2001

Examiner: E. C. Robert

For

: APPARATUS AND METHODS FOR OFF-PUMP CARDIAC SURGERY

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 27, 2004
(Date of Deposit)

Brian S. Tomko
(Name of applicant, assignee, or Registered Representative)

(Signature)

September 2,7, 2004

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Washington, D.C. 20231

#### FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on May 14, 2002.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

$\square$ In accordance with §1.97(b), since this information
Disclosure Statement is being filed either within three months
of the filing date of the above-identified national application
(other than a continued prosecution application under $\S1.53(d)$ ),
within three months of the date of entry into the national
stage of the above identified application as set forth in
$\S$ 1.491, or before the mailing date of a first Office Action on
the merits of the above-identified application, or before the
mailing date of a first Office Action after the filing of a
request for continued examination under §1.114, no additional
fee is required.
☐ In accordance with §1.129(a), this Information
Disclosure Statement is being filed in connection with $\Box$ the
first or _second After Final Submission, therefore:
<pre>Statement in Accordance with §1.97(e)</pre>
(attached); or
Please charge Deposit Account No. 10-
0750/ / the fee of $$180.00$ as set forth
in §1.17(p).

☐ In accordance with §1.97(c), this Information

Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

 $\boxtimes$ Statement in Accordance with §1.97(e) (attached); or Please charge Deposit Account No. 10- $\Box$ the fee of \$180.00 as set forth 0750/ in §1.17(p). In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p). Copies of each of the references listed on the  $\boxtimes$ attached Form PTO-1449 are enclosed herewith. Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT: In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. If any of the foregoing publications are not  $\Box$ available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request. Copies of only foreign patent documents and nonpatent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i). There are no listed references which are not in the 冈 English language. The relevance of those listed references which are  $\Box$ not in the English language is as follows: Attached are copies of search reports from  $\boxtimes$ corresponding patent applications, which are listed on the attached Submission Under MPEP 609 D. Copies of the references listed on the search reports are included except for those previously cited in an IDS mailed May 14, 2003. Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HRT-278/BST. This form is submitted in triplicate. Respectfully submitted, Req. No. 41,349 Attorney for Applicants Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-1239 September 27, 2004 DATED: - 4 -



PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

a collection of information unless it displays a valid OMB control number.			
Application Number	09/976,216		
Filing Date	October 12, 2001		
First Named Inventor	A. H. Hancock		
Group Art Unit	3732		
Examiner Name	E. C. Robert		
Attorney Docket Number	HRT-278		

		U.S. Patent Document				
Examiner Initials	Cite No.1	Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		6,013,027	Α	Berky	01-11-2000	
		5,447,149		Kikawada et al.	9/4/95	
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U.S. PATENT DOCUMENTS

#### FOREIGN PATENT DOCUMENTS Pages, Columns, Lines, Foreign Patent Document Date of Publication of Cited Document where relevant Name of Patentee or passages or relevant Examiner Cite mm-dd-yyyy Applicant of Cited Document figures appear KindCode5 Office<sup>3</sup> Number<sup>4</sup> No.1

Examiner	Date	
Signature	 Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Docket No. HRT-278

Docket

AND THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Andrew H. Hancock

Serial No. : 09/976,216

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: APPARATUS AND METHODS FOR OFF-PUMP CARDIAC SURGERY

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 28, 1994

(Date of Deposit)

Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)

(Signature)

September 23, 2004

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### STATEMENT UNDER 37 C.F.R. §1.97(e)

In accordance with 37 C.F.R. §1.97(e), certification is hereby made that:

Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

No item of information contained in the Information

Disclosure Statement was cited in a communication from a foreign

patent office in a counterpart foreign application, and, to the

knowledge of the undersigned after making reasonable inquiry, no item

of information contained in this Information Disclosure Statement, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Brian S. Tomko Reg. No. 41,349

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DATED: September 27, 2004



## SUBMISSION UNDER MPEP 609 D

Page 1 of 1

Application Number	09/976,216
Filing Date	October 12, 2001
First Named Inventor	A. H. Hancock
Group Art Unit	3732
Examiner Name	E. C. Robert
Attorney Docket Number	HRT-278

U.S. PATENT DOCUMENTS					
			U.S. Patent Docu	ment	Daniel California Linea
Examiner Cite Name of Patentee or Applicant of Cited Document		Number	Kind Code <sup>2</sup> (if known)	Pages, Columns, Lines, where relevant passages or relevant figures appear	
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## FOREIGN PATENT DOCUMENTS Pages, Columns, Lines, where relevant passages or relevant figures Foreign Patent Document Name of Patentee or Examiner Cite Applicant of Cited Document KindCode<sup>5</sup> appear Office<sup>3</sup> Number<sup>4</sup> No.<sup>1</sup> OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published $\mathsf{T}^2$ Cite No.<sup>1</sup> Examiner Initials\* Supplementary European Search Report EP01903397 dated 08-09-2004

Examiner	 Date	
Signature	Considered	